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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 PIOTR JASZCZYSZYN, Individually and on
Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 SUNPOWER CORPORATION, PETER
FARICY, and MANAVENDRA S. SIAL,

16 Defendants.
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Case No. 4:22-cv-00956-HSG

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**STIPULATION AND ORDER
SETTING SCHEDULE FOR FILING
OF AMENDED COMPLAINT AND
BRIEFING OF MOTION TO
DISMISS AND VACATING INITIAL
CASE MANAGEMENT
CONFERENCE**

1 WHEREAS, on February 16, 2022, plaintiff Piotr Jaszczyszyn commenced the above-
2 captioned action against Defendants SunPower Corporation, Peter Faricy, and Manavendra S. Sial
3 (collectively, “Defendants”), alleging violations of Sections 10(b) and 20(a) of the Securities
4 Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 (the
5 “PSLRA”) (ECF No. 1);

6 WHEREAS, on February 24, 2022, the Court entered a stipulation and order, requested by
7 the parties, providing that Defendants did not need to respond to the current complaint, that
8 discovery in the action would be stayed pending the result of any motion to dismiss, that the then-
9 scheduled initial case management conference was canceled, and that within fourteen (14) days
10 after the entry of an order appointing lead plaintiff, the parties should confer and submit a proposed
11 schedule for the filing of an amended complaint and Defendants’ response thereto;

12 WHEREAS, on October 13, 2022, the Court appointed the Steamfitters Local 449 Pension
13 & Retirement Security Funds (“Lead Plaintiff”) as lead plaintiff and approved their choice of
14 Robbins Geller Rudman & Dowd LLP as lead counsel for the putative class (ECF No. 49);

15 WHEREAS, on October 13, 2022, the Court set an initial case management conference for
16 November 22, 2022 and ordered a case management statement by November 15, 2022;

17 WHEREAS, Lead Plaintiff anticipates that it will file an amended complaint;

18 WHEREAS, Defendants anticipate that they will file motion(s) to dismiss any amended
19 complaint;

20 WHEREAS, the PSLRA provides that discovery shall be stayed during the pendency of
21 any motion to dismiss, 15 U.S.C. § 78u-4(b)(3)(B);

22 WHEREAS, the undersigned parties respectfully submit that, because the pleadings are
23 not yet set and in light of the PSLRA’s discovery stay, good cause exists to vacate the initial case
24 management conference and related deadlines to be reset after the Court has an opportunity to
25 rule on Defendants’ anticipated motion to dismiss; and

26 WHEREAS, the schedule set forth herein will not affect any existing case schedule;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned,
2 subject to approval of this Court, as follows:

- 3 1. Plaintiff shall file an amended complaint by December 15, 2022;
- 4 2. Defendants shall file motion(s) to dismiss by February 24, 2023;
- 5 3. Plaintiff shall file any opposition to a motion to dismiss by April 21, 2023;
- 6 4. Defendants shall file any reply in support of a motion to dismiss by June 12, 2023;
- 7 5. The initial case management conference set for November 22, 2022, at 2:00 p.m.,
8 and all associated deadlines (including the deadline that a case management statement be submitted
9 by November 15, 2022) are vacated and shall be reset after the Court has an opportunity to rule on
10 Defendants' motion(s) to dismiss.

11 Dated: October 27, 2022

Respectfully submitted,

12 WILSON SONSINI GOODRICH & ROSATI
13 Professional Corporation

14 By: /s/ Katherine L. Henderson

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22 *Attorneys for Defendants SunPower Corporation,*
23 *Peter Faricy, and Manavendra S. Sial*

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Attorneys for Lead Plaintiff Steamfitters Local 449
Pension & Retirement Security Funds

Pursuant to Civil L.R. 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: October 27, 2022

/s/ Katherine L. Henderson

Katherine L. Henderson

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/28/2022

Haywood S. Gilliam, Jr.
HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge